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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,520	01/12/2004	Larry Keith Bruening	2429/SPRI.106545	1396

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EXAMINER
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ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,520	<b>Applicant(s)</b> BRUENING ET AL.	
	<b>Examiner</b> THJUAN K. ADDY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 7-12, 24, 28-31, and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
2. Applicant's Specification (See pg. 9, paragraph [0037]) states that "An exemplary modulated data signal includes **a carrier wave** or other transport mechanism," and "By way of example but not limitation, communications media includes... wireless media such as **acoustic, infrared, radio, microwave, spread-spectrum, and other wireless media technologies,**" and "Combinations of the above are included within the scope of computer-readable media."
3. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, stored in a computer-readable medium, in a computer, or on an electromagnetic carrier signal does not make it statutory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Manuel et al. (US 6,574,323).
5. In regards to claims 1, 7, 8, 13, 18, 24, 25, 28, 29, 32, 39, and 41, Manuel discloses a method, computer-readable media, and system for routing a communication request (See col. 1 lines 9-13) comprising: receiving said communication request from a user (e.g., customer/calling party); retrieving a set of preferences (e.g., call processing records [CPR] of the calling party) associated with said user; retrieving profile data (e.g., call processing records [CPR] of representative/called party/subscriber) related to a plurality of agents (e.g., representatives/called parties/subscribers) who may respond to said communications request; and selecting a specific agent from said plurality of agents based on said set preferences and said profile data (See col. 3 lines 50-64 and col. 10 lines 40-59).
6. In regards to claim 2, Manuel discloses the method, wherein receiving said communications request includes receiving said requests via a communications network (See Fig. 1 and Advanced Intelligent Network 200) (See col. 5 lines 52-62).

7. In regards to claims 3 and 33, Manuel discloses the method, wherein said communications network is a telephone network (See Fig. 1, Advanced Intelligent Network 200 and col. 5 lines 52-62).
8. In regards to claim 4, Manuel discloses the method, wherein said set of preferences associated with said user includes the following: a language preference; and a communications-type preference, wherein said communications-type preference includes a preference to communication via tele-type (TTY) (See col. 3 lines 50-64).
9. In regards to claim 5, Manuel discloses the method, wherein retrieving profile data includes retrieving data associated with the following attribute: a language proficiency (See col. 3 lines 62-64).
10. In regards to claim 6, Manuel discloses the method, further comprising routing said communication request to said identified agent (e.g., representative/called party) (See col. 3 lines 50-64).
11. In regards to claim 9, Manuel discloses the media, wherein receiving said request includes receiving said request through a communications network, said communications network including a voice network (See Fig. 1 and Advanced Intelligent Network 200) (See col. 5 lines 52-62).
12. In regards to claim 10, Manuel discloses the method, wherein said set of attributes includes the following: a language proficiency (See col. 3 lines 62-64).
13. In regards to claim 11, Manuel discloses the method, wherein said source information includes an Internet Protocol (IP) address; an indication of a calling number

from which the request originated; and an indicator of a called number to which the request was made (See col. 3-4 lines 65-17, col. 5-6 lines 63-3, and col. 9 lines 52-57).

14. In regards to claims 12 and 38, Manuel discloses the method, wherein directing said communication to said identified agent includes placing said request in a queue based on said referencing (See col. 9 lines 52-57).

15. In regards to claims 14 and 19, Manuel discloses the method, wherein said communications request is to reach a destination address, including an IP address or phone number (See col. 3-4 lines 65-17, col. 5-6 lines 63-3, and col. 9 lines 52-57).

16. In regards to claim 15, Manuel discloses the method, wherein said communications request is a request to establish a communications link between at least two parties, wherein a human agent is communicatively disposed between said at least two parties and facilitates persistent communication between said at least two parties (See col. 3 lines 50-64 and col. 10 lines 40-59).

17. In regards to claim 16, Manuel discloses the method, wherein said set of preferences are associated with an origination address (e.g., number) of said request, said origination address including a phone number (See col. 3-4 lines 65-17, col. 5-6 lines 63-3, and col. 9 lines 52-57).

18. In regards to claims 17 and 27, Manuel discloses the method, wherein routing said communications request to a specific agent (e.g., representative/called party/subscriber) includes identifying said specific agent prior to when said routing requests reach a telephony server, thereby substantially eliminating any delay between

receiving said communications request at said telephony server and directing said request to said identified agent (See col. 9 lines 52-57).

19. In regards to claim 20, Manuel discloses the method, wherein said signaling information includes packetized machine language messages related to said communications request (See col. 8 lines 31-45).

20. In regards to claim 21, Manuel discloses the method, wherein said signaling information includes a source address (e.g., calling party's address) identifying a source of said communications request (See col. 8 lines 31-45).

21. In regards to claim 21, Manuel discloses the method, wherein said signaling information further includes a target address (e.g., subscriber/called party's address) identifying a dialed number associated with said communications request (See col. 8 lines 31-45).

22. In regards to claims 22 and 31, Manuel discloses the method and system, wherein denoting said hierarchy includes identifying a single best agent to satisfy said communications request (See col. 3 lines 50-64).

23. In regards to claim 26, Manuel discloses the method, wherein said one of a plurality of receiving components includes one or a plurality of call centers (See col. 3 lines 50-64).

24. In regards to claim 30, Manuel discloses the system, wherein said signaling information identifies a source and a destination of said communications request (See col. 8 lines 31-45).

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25. In regards to claim 34, Manuel discloses the method, wherein monitoring said plurality of agents further includes persistently observing the availability of said plurality of agents (See col. 3 lines 50-64).

26. In regards to claim 35, Manuel discloses the method, wherein monitoring said plurality of agents further includes persistently observing a plurality of attributes related to said agents (See col. 3 lines 50-64).

27. In regards to claim 36, Manuel discloses the method, wherein extracting source information from said communications request includes extracting signaling information (See col. 8 lines 31-45).

28. In regards to claim 37, Manuel discloses the method, wherein said signaling information includes signaling System 7 (SS7) information (See col. 8 lines 31-45).

29. In regards to claim 40, Manuel discloses the method, wherein matching said initiator to one or more of said agents includes comparing said set of preferences with said profile data and determining similarities between said preferences and said profile data (See col. 9 lines 52-57).



***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gits et al. (US 7,143,182) teach a smart secretary for routing call objects in a telephony network.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614